

Case No. 39/25
State v. Sachin
FIR No. 567/2024
P.S. Ambedkar Nagar

10.07.2025

The case is taken up by this Court in view of Circular No./5/D-3/Gaz.1A/DHC/2025 dated 30.05.2025 whereby Hon'ble High Court has directed that the judicial officers under transfer shall pronounce judgments / orders in all such matters on the date fixed or maximum within a period of 2-3 weeks thereof, notwithstanding the posting / transfer.

Present : Sh. Mukul Kumar, Ld. Addl. PP for State.
Accused in person

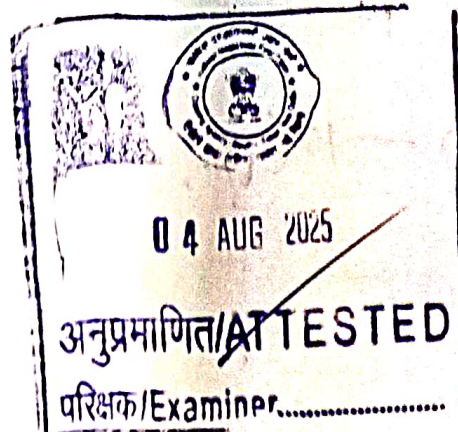
Vide separate judgment of even date, the accused is acquitted of the charges alleged.

Bail bond u/s 437A CrPC were already furnished.

File be consigned to Record Room after due compliance.

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(NEHA)

ASJ-06 / New Delhi District
Patiala House Court/10.07.2025



IN THE COURT OF ADDITIONAL SESSIONS JUDGE - 06
NEW DELHI DISTRICT, PATIALA HOUSE COURTS NEW
DELHI

Presiding Officer: Neha, DHJS

CNR No. DLST01-000945-2025

CIS No. : 39/2025

SC No. : 03/2025

FIR No. : 567/2024

P.S. : Ambedkar Nagar

U/s. : 69 BNS

In the matter of:-

State (Govt. of NCT of Delhi)

Versus

Sachin
S/o Late Shrikant,
R/o House No. 10/252, DDA Flats,
Madangir, New Delhi.

Date of Institution : 14.01.2025

Date of Committal : 16.01.2025

Date of reserving judgment : 30.05.2025

Date of judgment : 10.07.2025

Plea of Accused : Not Guilty

Final Order : Acquitted

(The case is taken up by this Court in view of Circular No./5/D-3/Gaz.1A/DHC/2025 dated 30.05.2025 whereby Hon'ble High Court has directed that the judicial officers under transfer shall pronounce judgments / orders in all such matters on the date fixed or maximum within a period of 2-3 weeks thereof, notwithstanding the posting / transfer).



Mr. Sachin, the accused herein, has been facing trial for

04 AUG 2025

State v. Sachin
FIR No. 567/2024 P.S. Ambedkar Nagar

अनुप्रमाणित/ATTESTED

परिक्षक/Examiner.....

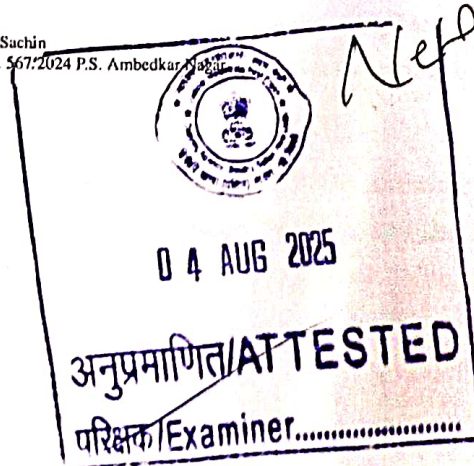
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committing the offences punishable under Sections 376(2)(n) of the Indian Penal Code, Act 45 of 1860 (hereinafter referred to as 'IPC') read with Section 69 of Bhartiya Nyay Sanhita, Act 45 of 2023 (hereinafter referred to as 'BNS').

2. The case of prosecution, in brief, is that on 09.11.2024, Sub Inspector Maneeta received PCR call vide GD No.63A from Duty Officer that the lady caller was in relation with boy named Sachin for last six years, she was three months pregnant but now the boy had fled away and his mobile phone was also switched off. The lady caller / victim was contacted. The victim came to police station and inquiry was made from her, however, the victim did not give any complaint on that day. On 11.11.2024, the victim came to police station and gave her handwritten complaint. In the complaint, the victim would state that she knew Sachin for last six years as he used to take tuition in the street where her house was situated. They started talking. In December 2020, Sachin told her that he liked her and wanted to marry her. On 05.12.2020, the accused took her to a hotel in Green Park where he established physical relations with her on the promise of marriage. Thereafter, he repeatedly established sexual relations with her in the hotel in Green Park in the past 3-4 years on the false pretext of marriage. He also used to take her to his house and established sexual relations with her on the false promise of marriage. She got pregnant. When she informed the accused about her pregnancy, he refused to marry her. He fled away from his house and switched off his mobile phone. Hence, the

State v. Sachin
FIR No. 567/2024 P.S. Ambedkar

Page No. 2 of 16



complaint.

3. On the basis of the complaint, rukka was prepared by Sub Inspector Maneeta and FIR was registered for offence punishable under Section 69, BNS. The victim was sent for her medical examination. The victim refused for her internal examination. The urine pregnancy test of the victim was positive. The statement of the victim was recorded under Section 183 of the Bhartiya Naagrik Suraksha Sanhita (hereinafter referred to as 'BNSS') by Learned Judicial Magistrate First Class (hereinafter referred to as 'JMFC'). On the basis of the statement under Section 183, BNSS of the victim, Section 376(2)(n), IPC was added. The accused was arrested and his potency test was conducted. Medical termination of the pregnancy of the victim was done at AIIMS Hospital and on 11.12.2024 exhibits of the victim and fetus of the victim were seized.

4. On completion of investigation, charge-sheet was filed for offence punishable under Section 69, BNS and Section 376(2)(n), IPC against the accused in the Court of Learned Chief Judicial Magistrate. Cognizance of the offence was taken by the Learned Chief Judicial Magistrate. After compliance of Section 207, Cr.P.C (230, BNSS) the case was committed to the Court of Sessions.

After hearing arguments of the parties, charge for offences punishable under Sections 376(2)(n), IPC and Section 69, BNS was framed against the accused, to which he pleaded not guilty

04 AUG 2025

State v. Sachin
FIR No. 567/2024 P.S. Amblika Nagar

अनुप्रमाणित/ATTESTED
परिदक्ष/Examiner.....

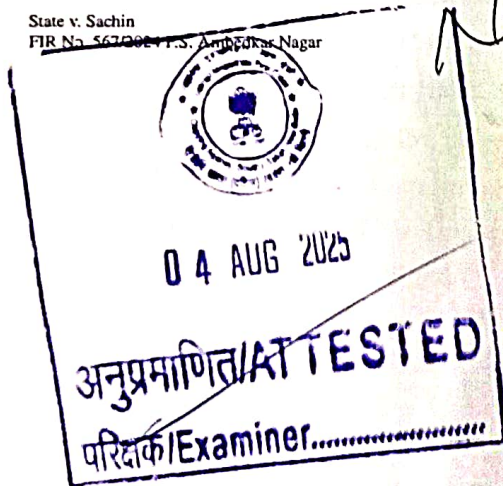
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and claimed trial.

6. Under Section 294, Cr.P.C, the accused did not dispute notice served to Manager Raj Bhawan Hotel, Yusuf Sarai, Green Park, New Delhi and reply of the said notice received from Hotel Manager as Ex. D-1; notice served to Manager Mahaveer Hotel, Yusuf Sarai, Green Park, New Delhi along with copy of record to be produced by Manager as Ex.D-2 (colly.); recording of statement under Section 183, BNSS of the victim by Learned JMFC as Ex. PW-1/B; MLC of the victim prepared by Dr. Akansha Agarwal at AIIMS as Ex.PW-1/C (colly.); MLC of the accused prepared by Dr. Sher Ali at AIIMS as Ex.D-3; potency test report of the accused prepared by Dr. Srajal Gupta at AIIMS as Ex.D-4; reply of Nodal Officer Vodafone Idea Ltd. along with CAF, certificate under Section 63, Bhartiya Sakshya Adhinyam (herewith referred as 'BSA') and CDR of mobile number 9911916811 as Ex.D-5 (colly.); certificate under Section 63, BSA, with CAF and CDR of mobile numbers 8178036537 produced by Nodal Officer Reliance Jio as Ex.D-6 (colly.); copy of RC No. 614/21/24 vide which the exhibits were deposited with RFSL, Chanakya Puri and acknowledgment of case acceptance by RFSL as Ex.D-7 and Ex.D-8, respectively; seizure memo of exhibits of the victim as Ex. D-9; registration of FIR by Duty Officer Head Constable Rajesh Kumar as Ex. D-10; FSL report dated 01.04.2025 prepared by Ms. Seema Nain, Assistant Director (Biology), RFSL, Chankayapuri as Ex. D-11 and filing of supplementary charge-sheet by Sub Inspector Priyanka as Ex.

State v. Sachin
FIR No. 5670084 P.S. Anandpur Nagar

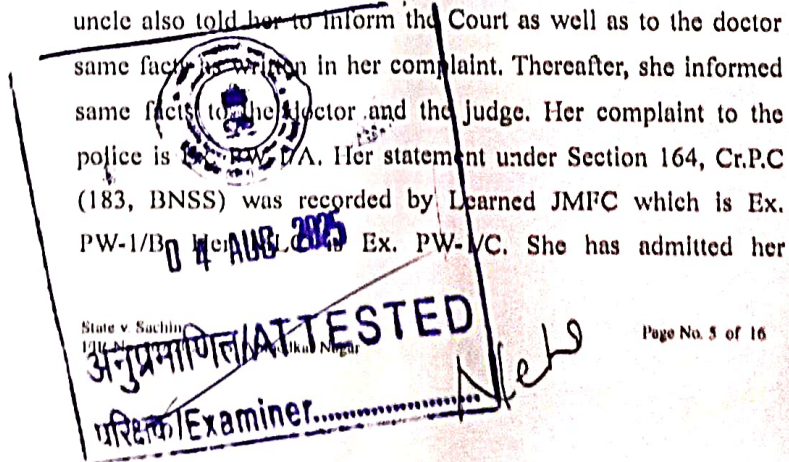
Page No. 4 of 16



D-12. Accordingly, concerned witnesses were dropped from the list of prosecution witnesses vide order dated 08.05.2025.

7. In order to prove its case, the prosecution has examined following witnesses:-

8. PW-1 Ms. S** is the victim. She has deposed that she was residing in ** Block, Dakshin Puri. Sachin used to come to said block for taking tuition. They both met and exchanged their phone numbers. Thereafter, they both used to meet in parks and restaurants. After 7-8 months, they both established physical relations with their mutual consent. They both decided to marry each other but later, she refused for marriage. Thereafter, also they continued to have physical relations and she became pregnant. When she got pregnant, she asked Sachin, if he wanted to marry her and he told her that he would think about it. Thereafter, she waited for his reply. When she did not get any reply from him, she went to his house and found that the accused and his family were not present there. In anger, she went to police station to lodge complaint. She had also called the accused but his phone was switched off. She met one uncle in the police station and that uncle dictated contents of complaint to her. That uncle also told her to inform the Court as well as to the doctor same facts be written in her complaint. Thereafter, she informed same facts to the doctor and the judge. Her complaint to the police is Ex. PW-1/A. Her statement under Section 164, Cr.P.C (183, BNSS) was recorded by Learned JMFC which is Ex. PW-1/B. Her statement recorded by Ex. PW-1/C. She has admitted her



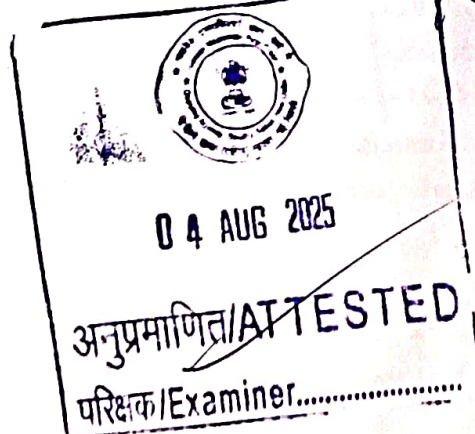
signatures on seizure memos of documents, certificate under Section 65B of Indian Evidence Act (63 BSA); arrest memo of the accused and notice under Section 94, BNSS, which are Ex. PW-1/D, Ex. PW-1/E, Ex. PW-1/F and Ex. PW-1/G, respectively.

9. The witness was declared hostile and she was cross-examined by Learned Additional Public Prosecutor. During cross-examination, by Learned Additional Public Prosecutor for state, the witness has stated that she had shown the place to the police where she and the accused established sexual relations. The site plan is Ex. PW-1/H. She has also identified the photographs as Ex.PH-1 to Ex.PH-4. She has admitted that when she went to Virat Hospital for check-up regarding lumps in her chest, she came to know that she was pregnant. She also admitted her chats with the accused as Ex. PW-1/I (colly.). She also admitted that the accused had sent message to her '13 tareekh tak ruk ja hum log shaadi kar lenge'. She also admitted that she called PCR and during PCR call, she informed 'main Sachin ke sath 6 saal se relationship mein thi aur ab jab main 3 mahine ki pregnant hun toh wo phone switch off karke bhaag gaya hai'.

10. PW-2 Smt. S** is the mother of the victim. She has deposed that health of her daughter (victim) was not good. Her daughter had brought medicines for herself and was resting at her house. When she saw her daughter's prescription and inquired from her daughter, her daughter informed that she was pregnant. Her daughter also informed that Sachin was her friend, she had stayed with the accused and she got pregnant with him.

State v. Sachin
FIR No. 567/2024 P.S. Ambedkar Nagar

Page No. 6 of 16



Thereafter, in anger, she and her daughter lodged complaint against Sachin in the police station. In police station, she met one uncle and he helped in lodging complaint.

11. The witness was also declared hostile and she was cross-examined by Learned Additional Public Prosecutor.

12. PW-3 Constable Sharvan is the police official who apprehended the accused. He has deposed that on 17.11.2024, he was on patrolling duty at DDA Flat, Dakshinpuri. At about 06.00 p.m, he received a call from Duty Officer that one complaint has been received in PS against Sachin who was living at 10/252, DDA Flats, Dakshinpuri, New Delhi. Thereafter, he went to the house of accused Sachin. The accused was found present at his house. He informed Sachin and his sister Sapna about the complaint. Thereafter, he brought Sachin to police station. He produced Sachin before Sub Inspector Maneeta. After interrogation, Investigating Officer arrested accused Sachin vide memo Ex.PW-1/F and his personal search was conducted vide memo Ex.PW-3/A. Investigating Officer recorded disclosure statement of the accused vide memo Ex. PW-3/B.

13. PW-4 Sub Inspector Maneeta is the Investigating Officer.

She has deposed that on 09.11.2024, she was on emergency duty. During emergency duty, she received a call vide GD No. 0063A from Duty Officer. The caller had informed '*6 saal se physical relation mein thi, physical relation banaye jo abhi 3 mahine se pregnant hai aur ladka bhaga hua hai*'. GD No. 0063A dated

04 AUG 2025

State of Sachin
P.S. Anand Nagar
अनुप्रमाणित/ATTESTED
परिक्षक/Examiner.....

09.11.2024 is Ex. PW-4/A. She conducted inquiry on the said PCR call. The victim came to police station in PCR van. She made inquiries from the victim. The victim did not give her statement on that day and returned to her house. On 11.11.2024, the victim came to police station with her complaint. Counseling of the victim was got done in police station. Thereafter, on the complaint of the victim, she made endorsement and prepared rukka vide Ex. PW-4/B. The complaint of the victim is Ex. PW-1/A. She gave original complaint and rukka to Duty Officer for registration of FIR. After registration of FIR, Duty Officer handed over the complaint, rukka and copy of FIR to her. The FIR is Ex. D-10. Thereafter, on 11.11.2024 itself, she had to send the victim for her medical examination but the victim left the police station without giving any reason. On 11.11.2024, she sent notice to the victim to join the investigation. On 12.11.2024, the victim along with her mother came to police station. She sent the victim, her mother along with Constable Preeti to AIIMS Hospital for conducting medical examination of the victim. After medical examination, Constable Preeti along with the victim and her mother returned to police station. Constable Preeti handed over MLC of the victim to her. MLC of the victim is Ex. PW-1/C. The victim refused for her internal medical examination, as she was pregnant and her UPT was positive. On 13.11.2024, the victim along her mother came to police station. She along with the victim and her mother came to Saket Court. She moved an application before the Court of Learned Judicial Magistrate (first class) for recording of statement under Section

State v. Sachin
FIR No. 567/2024 P.S. Anand

Page No. 8 of 16

04 AUG 2025

अनुप्रमाणित/ATTESTED

परिष्कार/Examiner.....

164, Cr.P.C (183, BNSS) of the victim. Her application in this regard is Ex. PW-4/C. Thereafter, statement of the victim under Section 164, Cr.P.C (183, BNSS) was recorded by Learned Magistrate (first class) which is Ex. PW-1/B. On 13.11.2024, she along with the victim and her mother went to the place of occurrence i.e. House No. 10/252, 2nd Floor, Daskhinpuri (house of the accused). At the instance of the victim, she prepared site plan which is Ex. PW-1/H. During investigation, she gave notice under Section 94, BNSS to the victim to provide photographs and messages in which the accused promised her for marriage. The notice is Ex. PW-1/G. On 17.11.2024, accused Sachin was produced before her by Beat staff. She interrogated the accused through notice under Section 35, BNSS. After interrogation, she arrested the accused at the instance of the victim vide memo Ex. PW-1/F and his personal search was got conducted vide memo Ex. PW-3/A. She also recorded disclosure statement of the accused vide memo Ex. PW-3/B. On 17.11.2024, she sent the accused along with Head Constable Yogender to AIIMS Hospital for conducting formal medical examination of the accused. After medical examination, Head Constable Yogender along with the accused returned to police station. Head Constable Yogender handed over MLC of the accused to her. The MLC of the accused is Ex. D-3. Thereafter, the accused was kept in police lock-up. On 18.11.2024, she sent the accused along with Constable Sharvan for conducting potency test of the accused. After conducting potency test of the accused, Constable Sharvan and the accused returned to police station. Constable Sharvan handed

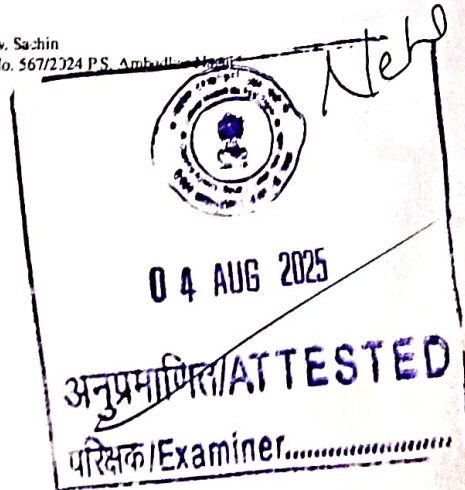
State v. Sachin
FAC No. 10/252

अनुमोदित/ATTESTED
परिष्कार/Examiner.....

over the MLC and sealed exhibits of the accused along with sample seal to her. The potency test report of the accused is Ex. D-4. She seized the sealed exhibits of the accused along with sample seal vide memo Ex. PW-4/D. On 18.11.2024, the accused was produced before the Court of Learned JMFC and sent to judicial custody. On 18.11.2024, the victim came to police station and produced the documents i.e. screen-shot of messages, photographs and one pen-drive containing audio recording along with certificate under Section 63, BSA. She seized the same vide memo Ex. PW-1/D. The screen-shots of messages are Ex. PW-1/I, photographs are Ex. PH-1 to Ex. PH-4 and certificate under Section 63, BSA is Ex. PW-1/E. On 27.11.2024, the victim came to police station along with one application regarding abortion of her pregnancy. The application of the victim regarding her abortion is Ex. PW-4/E. On 04.12.2024, she received MTP number 596/2024 regarding abortion of the victim at AIIMS Hospital. On next day i.e. 05.12.2024, the victim got admitted in AIIMS Hospital and she remained admitted in the hospital from 05.12.2024 to 11.12.2024. On 11.12.2024, she received exhibits of the fetus and the victim in sealed condition through Constable Manisha and she seized the same vide memo Ex. D-9. On 24.12.2024, she sent the exhibits of the victim, exhibits of fetus and exhibits of the accused along with sample seal to RFSL through Constable Rahul vide RC No. 614/21/24. Copy of RC is Ex. D-8. After depositing the exhibits in RFSL, Constable Rahul received acknowledgment of case acceptance. The copy of acknowledgment receipt is Ex. D-7. During

State v. Sachin
FIR No. 567/2024 P.S. Ambala

Page No. 10 of 16



investigation, she gave notices to Manager, Raj Bhawan Hotel, Green Park and Manager, Mahaveer Hotel, Green Park. The notices are Ex. D-1 and Ex. D-2, respectively. Thereafter, Manager Hotel Raj Bhawan gave reply that there was no entry in their hotel register regarding visit of the accused and the victim and no recording of CCTV footage was available with them. The reply of the notice by Hotel Raj Bhawan is Ex.D-1. Hotel Mahaveer provided copy of ID proof of the accused and the victim and also copy of hotel entry register and the same are Ex. D-2 (colly.). She also sent notice to the service provider i.e. Vodafone to provide CDR and CAF of the mobile number used by the victim. Thereafter, she received CAF and CDR of the victim along with certificate under Section 63, BSA from Vodafone and the same are Ex. D-5 (colly.). On 25.11.2024, she sent notice to service provider Reliance Jio to provide CDR and CAF of the mobile number used by the accused. The notice is Ex. PW-4/F. Thereafter, she received CAF and CDR of the mobile number used by the accused along with certificate under Section 63, BSA from Vodafone and the same are Ex. D-6 (colly.). She analyzed the CDR of the victim as well as of the accused and found that they were regularly talking with each other. During investigation she recorded statement of the witnesses under Section 161, Cr.P.C (164, BNSS). After completion of investigation she prepared the charge-sheet.

14. All witnesses were cross-examined. Prosecution Evidence was closed by order dated 14.05.2025.

अनुमोदित/ATTESTED
No. 367/2024 P.S. Ambedkar Nagar
परिक्षक/Examiner.....

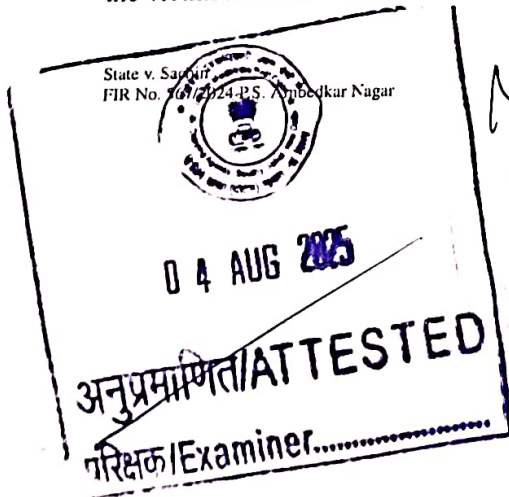
15. In statement under Section 313, Cr.P.C (351, BNSS), the accused denied all the incriminating evidence against him. He has taken defence that the victim was putting pressure upon him to perform marriage with her, as she got pregnant from her friend who was already a married person. He did not want to marry the victim but she was continuously asking him to perform marriage with her. Thereafter, he switched off his mobile phone. In anger, the victim lodged present FIR against him.

16. The accused did not lead any evidence in his defence. Hence, D.E was closed. Thereafter, the matter was fixed for final arguments.

17. Final arguments were addressed on behalf of Learned Additional Public Prosecutor and by Learned Counsel for the accused.

18. This Court has considered the submissions and perused the record.

19. The prosecution has alleged that in December 2020, the accused told the victim that he liked her and wanted to marry her. Thereafter, on 05.12.2020, the accused took the victim to one hotel in Green Park and established sexual relations with her on the pretext of marriage and thereafter, for continuous 3-4 years, he repeatedly established sexual relations with her on the pretext of marriage and lastly, on 07.11.2024, the accused had established sexual relations with the victim at his house. When the victim informed the accused that she was 3 month's pregnant,

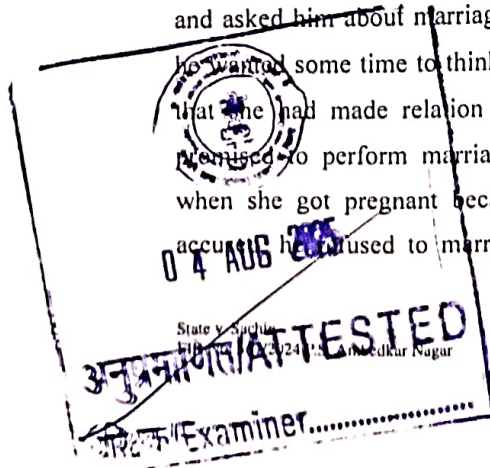


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he refused to marry her. On these allegations, charge has been framed against the accused for offences punishable under Sections 376(2)(n), IPC and Section 69, BNS.

20. The victim is a star witness of the prosecution. Other public witness examined by the prosecution is the mother of the victim and she is hearsay witness. The prosecution has not examined any other witness to prove the allegations against the accused. The case of the prosecution is based on sole testimony of the victim.

21. The prosecution has alleged that the accused had repeatedly raped the victim after making false promise of marriage without having any intention to marry her. The testimony of the victim / PW1 would show that she has not supported the case of the prosecution. In her examination-in-chief, the victim has specifically stated that she had consensual sexual relations with the accused; she and the accused had talked about marriage, however, it was she who later refused to marry the accused. The victim was cross-examined by Learned Additional Public Prosecutor and during cross-examination, she has stated that when she got pregnant, she talked to the accused and asked him about marriage, however, the accused stated that he wanted some time to think. The victim denied the suggestion that she had made relation with the accused because he had promised to perform marriage with her. She also denied that when she got pregnant because of physical relation with the accused he refused to marry her and fled away. Nothing has

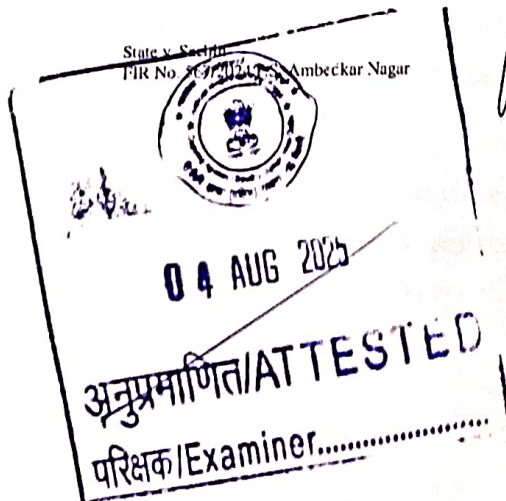


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come in the testimony of the victim to prove that the accused had established sexual relations with her after making promise of marriage. The testimony of the victim proves that it was she who refused to marry the accused.

22. The mother of victim has been examined as PW-2. In her examination-in-chief, she has stated that her daughter had told her that she had friendship with Sachin, she used to roam around with him and became pregnant with Sachin and due to anger, they had lodged complaint against Sachin. PW-2 was declared hostile by Learned Additional Public Prosecutor and she was cross-examined by Learned Additional Public Prosecutor. During cross-examination by Learned Additional Public Prosecutor, the mother of the victim denied that she had given any statement Ex. PW2/A. Nothing incriminating came against the accused during evidence of mother of the victim.

23. As per the case of the prosecution, when the victim got pregnant because of sexual relation with the accused, the accused fled away and refused to marry her. After termination of the pregnancy of the victim, the samples of the fetus were sent to FSL to match with the blood sample of the victim and the accused. FSL has given its report vide report no. RFSL DLH/1006/BIO/384/2024 Bio No. 399/2024 dated 01.04.2025 which is Ex. D-11. The FSL has opined that the DNA profile generated from the source of the blood sample of the victim is the biological mother of the DNA profile generated from the source of the fetus of the victim and the DNA profile generated



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from the source of blood sample of the accused is not the biological father of the DNA profile generated from the source of fetus of the victim. The FSL report Ex. D-11 suggests that the accused was not biological father of the fetus.

24. The accused, in his statement under Section 313 Cr.P.C (351, BNSS), has denied that he ever had sexual relations with the victim. He has also denied that he made any promise of marriage to the victim or that he was having an affair with the victim. The accused has taken defence that the victim was having an affair with one married person and when she got pregnant because of the said affair, she asked him whether he would marry her. He told the victim that he would think about marriage with her but the victim was continuously calling him and pressurizing him to marry her and he switched off his mobile phone and therefore, the victim got angry and got the present FIR registered.

25. The FSL report prima facie prove the defence of the accused that he was not having an affair with the victim and that he did not had sexual relations with the victim. The victim has deposed that she had sexual relation with the accused and she became pregnant because of sexual relation with him. However, the FSL report proves that the accused was not the biological father of the fetus of the victim.

As discussed above, the victim has not made any allegation against the accused in her examination-in-chief. Even during cross-examination of the victim by Learned Additional Public

State v. Sachin
FIR No. 3074/2021 S.A. Medical Nagar
04 AUG 2025
अनुप्रमाणित
Attested
Examiner

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Prosecutor, nothing material could surface which could prove that the accused had repeatedly established sexual relations with the victim on the false pretext of marriage. The star witness of the case i.e. the victim has not supported the case of the prosecution. The chats handed over by the victim Ex. PW-1/I do not show that the accused has made any promise of marriage to the victim. There is no other evidence produced by the prosecution to show that the accused had sexual relation with the victim on false pretext of marriage. In these circumstances, this Court holds that the prosecution has failed to prove ingredients of offences punishable under Section 376(2)(n), IPC and Section 69, BNS beyond reasonable doubts.

27. In view of discussion herein-above, this Court holds that the prosecution has failed to prove its case beyond reasonable doubts against the accused. Accordingly, benefit of doubt is given to the accused and he is acquitted of the charges alleged.

Pronounced in the open Court
today on 10th of July 2025

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(Neha)

Additional Sessions Judge-06
Patiala House Court, New Delhi.

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Saket Courts, New Delhi
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Indian Evidence Act, 1973.

Sachin
FIR No. 567/2024 P.S. Ambekar Nagar
04 AUG 2025
अनुप्रमाणित/ATTESTED
परिक्षक/Examiner.....